



**THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appellant: Madison *et al.*
Appl. No.: 09/776,191
Conf. No.: 3237
Filed: February 2, 2001
Title: **NUCLEIC ACID MOLECULES ENCODING TRANSMEMBRANE
SERINE PROTEASES, THE ENCODED PROTEINS AND METHODS
BASED THEREON**
Art Unit: 1652
Examiner: Yong D. Pak

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**ATTACHMENT TO APPELLANT'S RESPONSE TO
NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Replacement page 4 of Appellant's Appeal Brief, entitled "**III. STATUS OF CLAIMS**"



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**APPELLANT'S RESPONSE TO NOTIFICATION OF
NON-COMPLIANT APPEAL BRIEF**

Sir:

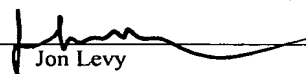
Responsive to Notification of Non-Compliant Appeal Brief, mailed April 17, 2009, consideration of the following remarks and entry of the attached replacement *Status of Claims* section, replacing the originally submitted *Status of Claims* section, in the Appeal Brief, filed March 16, 2009, respectfully are requested.

Remarks begin on page 2 of this paper.

A replacement *Status of Claims* section accompanies this response.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
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Date of Deposit: **April 22, 2009**

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.


Jon Levy

Applicant : Madison *et al.*
Serial No. : 09/776,191
Filed : February 2, 2001
Customer Number: 77202

Attorney's Docket No.: 119385-00028 / 1607
**RESPONSE TO NOTIFICATION OF
NON-COMPLIANT APPEAL BRIEF**

REMARKS

Appellant submits this Response to the Notification of Non-Compliant Appeal Brief, mailed April 17, 2009. The Notification states that the Appeal Brief, filed March 16, 2009, fails to comply with one or more provisions of 37 CFR § 41.37, because the *Status of Claims* section did not identify all cancelled claims.

Attached is a replacement *Status of Claims* section that includes a listing of the cancelled claims and thus identifies the status of all claims (rejected, allowed, withdrawn, objected to and cancelled). Appellant respectfully requests that the original *Status of Claims* section submitted with the Appeal Brief, filed March 16, 2009, be replaced with the replacement *Status of Claims* section provided herewith.

This Response is filed within 30 days of the mailing date of the Notification. Accordingly, no fee should be due. If it is determined that a fee is due, however, any fees that may be due in connection with the filing of this paper or with this application should be charged to Deposit Account No. 02-1818. If a Petition for Extension of Time is needed, this paper is to be considered such Petition.

* * *

Respectfully submitted,

Dated: April 22, 2009

BY: _____

Stephanie Seidman
Reg. No. 33,779

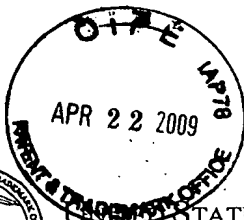
Attorney Docket No. 119385-00028/1607
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Stephanie Seidman
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Applicant : Madison *et al.*
Serial No. : 09/776,191
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APPELLANT'S APPEAL BRIEF

III. STATUS OF CLAIMS

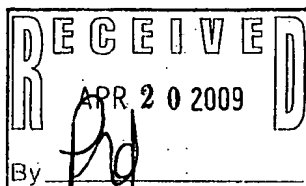
Claims 1, 10-13, 20, 34-36, 40-46, 48-55, 108, 109, 113-116, 118-120 and 122-126 are pending in the above-identified patent application. Claims 2-9, 14-19, 21-33, 37-39, 47, 56-107, 110-112, 117, 121 and 127-137 are cancelled. Claims 10, 43-46, 48-55, 108, 109, 115, 116, 118-120 and 122-126 are withdrawn from consideration, but are retained for possible rejoinder upon allowance of a generic claim. Claims 1, 11-13, 20, 34-36, 40-42, 113 and 114 are rejected. Therefore, Claims 1, 11-13, 20, 34-36, 40-42, 113 and 114 are the subject of this appeal. A copy of the appealed claims, and all pending claims, is included in the Claims Appendix.



UNITED STATES PATENT AND TRADEMARK OFFICE

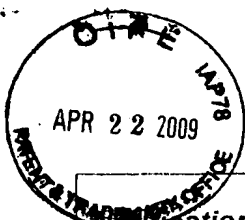
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,191	02/02/2001	Edwin L. Madison	119385-00028 / 1607	3237
77202	7590	04/17/2009	EXAMINER	
K&L Gates LLP 3580 Carmel Mountain Road Suite 200 San Diego, CA 92130			ART UNIT	PAPER NUMBER



DATE MAILED: 04/17/2009

Please find below and/or attached an Office communication concerning this application or proceeding.



Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/776,191	Applicant(s) MADISON ET AL.	
	Examiner Yong Pak	Art Unit 1652	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 16 March 2009 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and **relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

2. Status Of Claims: All cancelled claims has to be identified in this section.
A new Appeal Brief is not required, only the defective section.

/Everett R. Williams /
Everett R. Williams
Patent Appeals Center
571-272-3619